

**BOARD OF ADJUSTMENT STAFF REPORT**  
**SP-05-11**

**Ross & Theresa Halverson**  
Public Hearing Scheduled for: 03/24/11

1. Request

A request for a special exception permit to authorize the location and operation of a lodging house and a rug hooking, crafters retreat.

2. History

<b>Location/Zoning</b>	<b>Permits Issued</b>	<b>Previous Appeals</b>	<b>Citations</b>
Property is located in the Agricultural zoning district, on real estate described as: E3048 Marble Quarry Rd., part of the SE ¼, NW ¼, section 29, T10N, R3E, Town of Bear Creek.	<u>Permits:</u> A sanitary permit was issued in 1995 to replace the septic system. In 1998 a land use permit was issued for a garage and bath room addition.	A special exception permit was granted by the Board of Adjustment in 2005 for a bed & breakfast.	None found

3. Finding of Fact:

When reviewing a special exception proposal the Board of Adjustment reviews the proposed site to show that the approval shall be consistent with the general purpose and intent of the ordinance and to show the desirability of the proposed location for the specific proposed use from the standpoint of the public interest because of such factors as (without limitation because of enumeration) smoke, dust, noxious or toxic gases or odors, noise, vibration, operation of heavy machinery, heavy vehicular traffic and increased traffic on public streets.

Section 7.05(2)(a) of the Sauk County Zoning Ordinance provides that any use permitted in the single family residential district is permitted in the agricultural district. Section 7.03(2)(n)1 provides that a special exception is required for the operation of lodging houses and bed and breakfast establishments.

This site had been used by the applicants as a single family residence since 1998 and as a bed and breakfast from 2002 until 2008.

Surrounding Properties		Floodplain/Wetland	Other:
<b>North</b>	Agricultural and forested properties	Floodplain map, panel 5511C0475 E, effective date 12-15-09. This site is not located within the floodplain.  There are no mapped wetlands indicated in this area.	
<b>South</b>	Agricultural, forested and few residential properties		
<b>East</b>	Agricultural, forested and few residential properties.		
<b>West</b>	Agricultural, forested and few residential properties.		

4. Plan Commission/Town Recommendation

The Town of Bear Creek has no objections to this permit per the Town Acknowledgment Form.

5. Planning and Zoning Recommendation

Planning and zoning recommends that the following conditions be considered by the Board should the Board grant the special exception permit.

A. All work on and use of the premises shall proceed with the plans and supplemental evidence presented at the hearing. It is the responsibility of the applicant to secure all required Town, State, Federal and County permits prior to commencing operation. County permits required for this approval include a land use permit for a lodging house and a cottage industry.

B. No work shall be commenced prior to receiving the Board of Adjustment decision letter and securing the required permits.

C. The operation of the lodging house shall be subject to the conditions of section 7.03(2)(n)1 a. through g. of the Sauk County Zoning Ordinance.

D. The permit shall be in effect for a period of ten years and may be renewed by the Board of Adjustment at the end of that period.

E. Sauk County Planning and Zoning shall be granted permission to view the site to ensure compliance with these conditions and other relevant provisions of Sauk County Ordinances. The power to ensure compliance with these conditions is given to Sauk County Planning and Zoning. If the department finds that any of these conditions have been violated, they are hereby authorized to take corrective action, either through suspension of the permit, citations or by any means of enforcement that is within their power.

F. Failure by the Applicant to follow all of the conditions set forth by the Sauk County Board of Adjustment is grounds for suspension or revocation of the special exception permit and possible enforcement action. In order to have the special exception permit reinstated after suspension, the applicant must comply with all conditions established by the Board of Adjustment, as determined by the Sauk County Planning & Zoning Director, or appear in front of the Board of Adjustment. In order to have the special exception permit reinstated after revocation the applicant must appear in front of the Board of Adjustment for a new hearing and comply with all requirements as outlined in this letter.

Report submitted by David D. Lorenz